

REMARKS

Claims 1-3, 5-15 and 17-20 are pending. The indication of allowable subject matter with respect to claims 6, 7 and 17-20 is appreciated.

Claims 1-3, 5, 14 and 15 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over van Cruyningen (US 5,805,167) in view of Yukiko (JP 08-140003). The Applicant respectfully traverses this rejection for the following reason(s).

Claim 1 calls for *an on-screen display generating section for generating a menu matrix having a plurality of menu icons arranged in a plurality of rows and columns on the display section, the plurality of menu icons being individually selectable for enabling a user to adjust a display state of the display section.*

The claims require a plurality of menu icons being individually selectable for enabling a user to adjust a display state of the display section.

None of the menu icons in van Cruyningen are for the adjustment of the **display state of the display section**. It is well known in the art that the display state of the display section refers to various adjustments such as color, brightness, contrast, vertical size, etc. None of the menu icons in van Cruyningen are related to the adjustment of the display state of the display section. Instead, they are related to the editing of a document being worked on.

Likewise, none of Yukiko's are for the adjustment of the **display state of the display section**.. Instead, Yukiko teaches displaying along the upper side of a display screen, "five

categories of NEWS, MOVIE, SPORTS, POLITICS and MUSIC."

Accordingly, there is no *prima facie* showing of fact that the applied art would have motivated anyone of ordinary skill in the art to modify either reference to provide for *generating a menu matrix having a plurality of menu icons . . . for enabling a user to adjust a display state of the display section.*

The Examiner, on page 8, refers to a portion of van Cruyningen, which states:

If the active application at the time of the trigger event does not have a corresponding menu description, a default menu definition is automatically updated for the active application and is displayed for use. If the application will be used frequently, the operator has the option of designing a new menu description for that application. The new menu description can be placed anywhere in a range or hierarchy of access rights so it is made available only for personal use (private), available to any member of a group of operators (group access), or be available to all operators on the system (public access).

As can clearly be seen from the referred to section of van Cruyningen, there is clearly no mention of adjustment of a **display state of a display section**. The only "state" mentioned in van Cruyningen is the system state of the computer. Costomizing a menu or creating a new menu is clearly not equivalent to adjusting a display state of a display section.

Additionally, claim 1 calls for *a control section adapted to control a pointer so that the pointer is initially positioned at a menu icon in the central region of the menu matrix upon the initial display of the menu matrix, the pointer indicating a menu icon selected through the key*

inputting section, said control section determining a frequency of use for each of the menu icons selected by a user via the key inputting section, and disposing the menu icon having the highest frequency of use at the central region of the menu matrix where the pointer is initially positioned.

The Examiner correctly notes that van Cruyningen is silent in this regard.

Thereafter, the Examiner erroneously applies Yukiko in this regard, and refers us to the Abstract and Fig. 16.. Yukiko's Abstract teaches displaying "along the left side of the display screen, the slave screens of the programs of the broadcasting channels most frequently received in the past four weeks belonging to the category displayed on a very left side are successively displayed from a top to a bottom in the descending order of frequency."

Yukiko describes Fig. 16 as " a diagram showing an example of a display of favorite program guidance ." And further describes Fig. 16 as "an example of display on the monitor unit 4. On the screen, five category labels that are NEWS, MOVIE, SPORTS, POLITICS and MUSIC are displayed on the top row of the monitor unit 4. Five small-frame pictures of broadcasting channels that belong to the leftmost category (i.e., NEWS) are displayed in the leftmost column of the screen. **The MPEG video decoder 25B positions the cursor to the uppermost small frame** " which is illustrated as CNN1 in Fig. 16. As can be seen in Fig. 16, and as described in the Abstract, the programs of the broadcasting channels most frequently received in the past four weeks belonging to the category displayed on a very left side are successively displayed **in a single column** from a top to a bottom in the descending order of

frequency

Accordingly, in Yukiko *the pointer is **not** initially positioned at a menu icon in the central region* (i.e., the ABC icon in Yukiko's Fig. 16) *of the menu matrix upon the initial display of the menu matrix*, but is instead placed in the upper left hand section of the screen, at the top most icon, that being the most frequently received broadcast program, i.e., the CNN icon.

Accordingly, Yukiko's *control section determining a frequency of use for each of the menu icons selected by a user via the key inputting section, **does not have the function of** disposing the menu icon having the highest frequency of use at the central region of the menu matrix where the pointer is initially positioned*, but instead disposes the menu icon having the highest frequency in the top most region of the 1X5 menu matrix where the cursor K is initially positioned.

Accordingly, since neither reference teaches displaying menu icons for adjusting a display state of a display section, and since neither reference teaches displaying the most frequently used menu icon in a central region of a menu matrix where a cursor is initially positioned, then the rejection is deemed to be in error for failing to provide a prima facie showing of obviousness. Thus the rejection of claim 1, and similarly claim 14, should be withdrawn.

Claim 1 calls for *an on-screen display generating section for generating a menu matrix*

having a plurality of menu icons arranged in a plurality of rows and columns on the display section, the plurality of menu icons being individually selectable for enabling a user to adjust a display state of the display section; claim 14 calls for generating an on-screen display including a menu matrix having a plurality of menu icons arranged in a plurality of rows and columns, said plurality of menu icons being individually selectable for enabling a user to adjust a display state of the display section;

Here, the Examiner refers us to van Cruyningen's matrix having three rows. However, the rejection was not based on van Cruyningen alone, but instead incorporates the teachings of Yukiko. Thus, if one desired to provide a system which displayed the most frequently used menu icon in the upper section of a 1Xn menu matrix, n being any number greater than 1, as taught by Yukiko, then the 3X3 menu matrix of van Cruynington would no longer exist. Note that the Examiner has not provided any reason why one of ordinary skill in the art would desire to keep van Cruyningen's menu matrix when incorporating Yukiko's teachings.

As can be seen from Figs. 16-19 of Yukiko, there is only one column of icons displayed because these icons correspond to the main menu in a drop-down manner. That is, when "News" is selected, then a column of menu small screens is displayed directly below "News", as shown in Fig. 16. And as shown in Fig. 19, when "Movie" is selected, then a column of menu small screens is displayed directly below "Menu".

That is, Yukiko fairly teaches away from use of a matrix having more than 1 column. Note here that Yukiko's five categories of NEWS, MOVIE, SPORTS, POLITICS and MUSIC are displayed separately from the slave screens of the programs of the broadcasting channels

most frequently received in the past four weeks . and thus do not form a display matrix. This teaching away from the invention is an important indication of non-obviousness. *See, e.g. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc. Inc.*, 796 F.2d 443, 230 USPQ 416 (Fed. Cir. 1986).

Accordingly, the rejection of claims 1, 3, 14 and 15 is deemed to be in error and should be withdrawn.

Claim 5 indicates that *the control section disposes the remaining menu icons around the central region of the menu matrix so that those of the menu icons having higher frequencies of use are arranged closer to the central region of the menu matrix than those of the menu icons having lower frequencies of use.*

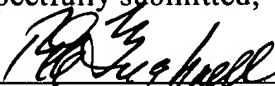
As noted above, the combined teaching of applied art would only suggest to one of ordinary skill in the art the generation of a single column of menu icons in a slave screen, where in the most frequently used icon is placed at the top of the column, with the remain icons being placed in descending order of frequency of use. Thus the *remaining menu icons **cannot be placed** around the central region of the menu matrix so that those of the menu icons having higher frequencies of use are arranged closer to the central region of the menu matrix than those of the menu icons having lower frequencies of use.*

Accordingly, the rejection of claim 5 is deemed to be in error and should be withdrawn.

The examiner is respectfully requested to reconsider the application, withdraw the objections and/or rejections and pass the application to issue in view of the above amendments and/or remarks.

Should a Petition for extension of time be required with the filing of this Amendment, the Commissioner is kindly requested to treat this paragraph as such a request and is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of the incurred fee if, **and only if**, a petition for extension of time be required **and** a check of the requisite amount is not enclosed.

Respectfully submitted,



Robert E. Bushnell
Attorney for Applicant
Reg. No.: 27,774

1522 K Street, N.W.
Washington, D.C. 20005
(202) 408-9040

Folio: P56502
Date: 6/13/05
I.D.: REB/MDP